

JOSEPH MICHAEL DEVON ENGEL,

Plaintiff,

V.

MERCY HEALTH CARE PROVIDER, et al.,

Defendants.

No. 4:20 CV 1892 MTS

## MEMORANDUM AND ORDER

This matter is before the Court on Plaintiff Joseph Michael Devon Engel’s motion to proceed *in forma pauperis* on appeal. Doc. [6]. When the Court dismissed this action on March 2, 2021, the Court certified in writing that an appeal would not be taken in good faith, *see* Doc. Nos. [2 and 3]; 28 U.S.C. § 1915(a)(3), and it is not apparent that plaintiff now seeks appellate review of any issue that is not frivolous. *See Coppedge v. United States*, 369 U.S. 438, 445 (1962).


Furthermore, plaintiff has repeatedly filed meritless lawsuits in this Court, to the point where this Court has found his litigation practices to be an abuse of the judicial process. *See* Doc. [2]. Despite plaintiff's averments in the instant motion, *see* Doc. [6] at 1, plaintiff has filed at least three actions that were dismissed because they were frivolous, malicious, or failed to state a claim upon which relief may be granted.<sup>1</sup> Accordingly, he has accumulated three "strikes" as defined in 28 U.S.C. § 1915(g), and his averments do not establish he is under imminent danger of serious physical injury. For all of these reasons, the Court therefore finds plaintiff may not proceed *in forma pauperis* on appeal. The instant motion will be denied.

<sup>1</sup> See *Engel v. Governor of Missouri*, No. 1:20-cv-217-HEA (E.D. Mo. Dec. 15, 2020); *Engel v. United States of America*, No. 4:20-cv-1742-MTS (E.D. Mo. Dec. 18, 2020); *Engel v. Missouri Courts*, No. 4:20-cv-1258-SPM (E.D. Mo. Dec. 21, 2020).

Accordingly,

**IT IS HEREBY ORDERED** that plaintiff's motion to proceed *in forma pauperis* on appeal, Doc. [6], is **DENIED**.

Dated this 30<sup>th</sup> day of June, 2021



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MATTHEW T. SCHELP  
UNITED STATES DISTRICT JUDGE